



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/813,215

03/21/2001

Goh Itoh

204984US2TTC

1977

22850

7590

09/21/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

BILGRAMI, ASGHAR H

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,215

Applicant(s)

ITOH, GOH

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 2, 3, 4, 5 & 9 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the claims the applicant discloses a method of setting up a "closed network" however in the specification there is no description of a "closed network".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 3, 4, 5 & 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2143

5. The applicant argued on page 8 lines 13-14 & page 9, lines 1-5 that in the amended claims a closed network is formed without the presence of a network. If that is the case then what type of the client is sending request? In what medium is the request being sent? How is the request being sent? And where is the request is being sent?

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 8 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher (U.S. 6,065,054) and Martineau (U.S. 5915226).

8. As per claims 1, 2, 3, 4, 5 & 9 Dutcher et al disclosed a method for providing a network environment of information data exchange by setting a closed network as requested from a plurality of clients (col.4, lines 25-62), comprising: receiving a request to provide said network environment with an application from one of said clients representing a group; the group including member clients and the application form including mail addresses of the member clients being inputted, transmitting confirmation information to join the closed network to all member clients and receiving a confirmation

Art Unit: 2143

from each of the member clients (col.9, lines 38-67 & col.10, lines 1-14); setting said closed network for each of said member clients in the group in response to the received request informing each of the member clients to said client of use permission based on a predetermined discriminator and an access priority, said access priority representing a priority of the, only member clients of the group being able to access to said closed network (col.2, lines 61-67 & col.3, lines 1-16). However Dutcher did not explicitly disclose managing a use time of said closed network for the group.

In the same filed of endeavor Martineau disclosed managing a use time of said closed network for the group (col.7, lines 23-29 & col.13, lines 1-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the mechanism of managing/monitoring the use of time in a network as disclosed by Martineau in a method for providing a network environment as disclosed by Dutcher in order to make the network system more versatile by having network time measuring mechanism resulting in accurate billing status of clients using the network.

9. As per claim 6 Dutcher-Martineau disclosed a server for providing a network environment with a plurality of clients according to Claim 4, wherein said access priority is decided from an Internet protocol address of said client (Dutcher, col.4, lines 25-40, col.2, lines 61-67 & col.3, lines 1-16).

Art Unit: 2143

10. As per claim 8 Dutcher-Martineau disclosed a server for providing a network environment with a plurality of clients, according to Claim 4, wherein said server further has a service giving means for billing said client according to a use time designated by said client and an extended time used by said client (Martineau, col.7, lines 23-29 & col.13, lines 1-6).

11. As per claim 5 Dutcher-Martineau disclosed a client device used in a system for providing a network environment with other client devices and a server, the client device comprising: communication device configured to communicate with said server, a communication setting manager configured to prepare for communication passes with said server (Dutcher, col.4, lines 25-62), a receiver configured to receive a message transmitted from said server, a store configured to store said message, a converter configured to convert said message into a display data format and convert input data to a message, and a terminal job manager configured to manage said communication data conversion (Dutcher, col.4, lines 63-67 & col.5, lines 1-19).

Response to Arguments

12. Applicant's arguments filed 06/20/2006 have been fully considered but they are not persuasive.

13. Applicant argued that Dutcher does not disclose that the user initiates the request to render a closed network.

14. As to applicant's argument the specification does not specifically define a closed network as stated in independent claims 1, 2, 3, 4, 5 & 9 therefore the network disclosed by the Dutcher can be interpreted as a closed network. Additionally Dutcher clearly discloses creating and managing a user account following authentication of a user against an account held.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


AB


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2143